IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION NO. 2:10-CR-41-H

UNITED STATES OF AMERICA,)	
)	
v.)	
)	ORDER
ERIC JAMES BASNIGHT,)	V
Defendent)	
Defendant.)	
)	

This matter is before the court on defendant's motion filed March 15, 2016. In his motion defendant seeks to have his sentence reduced once again by contesting the criminal history points assessed in the Presentence Investigation Report (PSR) prepared for his sentencing and adopted by this court in determining the appropriate guidelines in his case. Defendant claims two points were added to his criminal history for a dismissed charge. Attached to defendant's motion as Petitioner's Exhibit B is a copy of a "Dismissal Notice of Reinstatement" which is for File Number 10CRS50040. This File Number was mentioned in the PSR on page 10 of 16, under the heading "Pending Charges," not in Defendant's Criminal History. While this charge is referenced in the PSR at Paragraph 39, no points were assessed for it. Instead, the file number associated with the two criminal history points 10CRS50041. File No. 10CRS50040 is mentioned in that paragraph, but only as pending.

Therefore, defendant's motion [DE #174] is DENIED.

This 5th day of April 2016.

Malcolm J. Howard

Senior United States pistrict Judge

At Greenville, NC #26